

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO NUNO,

**Plaintiff,**

V.

D. ESLICK, et al.

## Defendants.

No. 1:21-cv-00769-KES-SAB (PC)

**ORDER DIRECTING DEFENDANTS TO  
FILE A SUR-REPLY ON OR BEFORE MAY  
13, 2024**

(ECF No. 92)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On February 16, 2024, Plaintiff filed a motion for reconsideration of the Court’s December 12, 2023, order. (ECF No. 81.) Defendants filed an opposition to Plaintiff’s motion for reconsideration on March 21, 2024, and Plaintiff filed a reply on April 22, 2024. (ECF Nos. 86, 92.) Based on the additional arguments presented in Plaintiff’s reply, the Court finds good cause to warrant the filing of a sur-reply by Defendants in order to properly analyze Plaintiff’s motion for reconsideration. See, e.g., Thornton v. Cates, No. 1:11-cv-01145-GSA-PC, 2013 WL 2902846, at \*1 (E.D. Cal. June 13, 2013) (court has discretion to allow sur-reply where valid reason for additional briefing exists). Accordingly, it is HEREBY ORDERED that Defendants shall file a sur-reply to Plaintiff’s reply on or before **May 13, 2024**.

**IT IS SO ORDERED.**

Dated: **May 2, 2024**

**UNITED STATES MAGISTRATE JUDGE**